

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Economic Development & Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 21, 2001**.

MEMBERS PRESENT:

Legislator Jon Cooper - Chairman
Legislator Andrew Crecca - Vice-Chairman
Legislator Ginny Fields
Legislator Martin Haley

ALSO IN ATTENDANCE:

Paul Sabatino II - Counsel to the Legislature
Legislator Vivian Fisher
Gerard McCreight - Aide to Legislator Cooper
Andy Raia - Aide to Legislator Binder
Nanette Essel - Aide to Legislator Fisher
Todd Johnson - County Executive's Office
Peter Quinn - SCEA
Peter Sverd - SCEA
Mark Serotoff - Townline Association
Terese Altieri - Townline Association
Anthony Altieri - Townline Association
Zachary Fabrizi - Townline Association
Richard Grandi - Townline Association
Carol Granoff - Townline Association
Bill Steibel - Sierra Club
John Mendolla
Joan Aberle
Judy Feigelson
Andrew Lopes
Nancy Lopes
Daria Woltmann
Mona Ives
All other interested parties

MINUTES TAKEN BY:

Donna Barrett - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:50 P.M.*)

CHAIRMAN COOPER:

I'd like to welcome everyone to the June 21st meeting. Legislator Fields, if you could lead us in the Pledge, please.

SALUTATION

CHAIRMAN COOPER:

Thank you. I think we'll move directly to public speakers. First, I'd like to invite up Mr. Peter Quinn.

MR. QUINN:

Good afternoon, Chairman Cooper and Legislator Fields and Fisher. I'm

here to talk about two issues today. One is energy, and the other is IDAs. The first, as a member of the Suffolk County Electrical Agency, which has been given five megawatts of power by NYPA to disperse to companies that consume 400 kilowatt hours on an annual basis or more, I felt that it was important that as an appointed member by the Legislature to that agency, that I would urge that we be proactive. And toward that end, over the last couple of months, several months, actually, we invited members like yourself and Fisher to attend our meetings to discuss with us what direction the County was taking. And I learned over the course of time that really the County didn't know how much money it was expending on energy. So I obtained -- I had seen that Charlie Bartha of Public Works had made the claim several months ago at a public meeting that the County was spending \$10 million on electrical energy. But I discovered, much to my dismay, after receiving a report from Budget Review, which looked at the data for all energy costs for the County and discovered -- and I'll leave a copy of that document with you -- that they were spending over 16 million. And that did not include the money being expended by the Suffolk County Water Authority. And yesterday I went over to their office and obtained data that showed that they were spending \$12 million, roughly. And I'll provide you with a copy of that as well. So all together, the County is spending \$28 million on energy without any energy efficiency and conservation plan in place. Now, back in 1988, the County Public Works Department did do an analysis of all of its buildings, but that plan or that study was left in disarray as a result of the economic downturn around '89 and '90, and very little has been done since.

There have been some energy retrofits to buildings and this building included, and a couple of others. But what we have asked the Public Works Department to do is to prepare for us a list of all of its facilities, and let us know which ones have seen energy retrofits and which ones haven't. And according to Tom Laguardia, who spoke to me the other day by phone, he said he would have that available in some five to six weeks. So at that time, we ought to have a handle -- we have a handle on the financial aspects right now, but we don't have a handle on what needs to be done specifically. But I would urge that at a some point in time during the summer, you invite Charlie Bartha from Public Works and Larry {Coulick}, who is the Assistant Director of Finance with the Suffolk County Water Authority and that you ask Fred Pollert to testify on the document that he prepared showing how much money we're spending and what needs to be spent. And since there

has been so much talk about a energy crisis that's been manipulated from California to New York, I just wanted to explain that there truly is no crisis as presented by Kessel and LIPA and Governor Pataki and others.

The fact of the matter is that LIPA currently has 5309 megawatts of generating capacity, and with some tinkering with their transmissions, they've even found an additional 41 megawatts. So that they have close to 5400 megawatts. They've added a plant here or there. And yet, a study by Newsday, prepared by LIPA and presented to them showed that they used only 4000 megawatts, 16 times in 10 years. No what does that mean? Fewer than two times a year -- and there were some years when they never exceeded 4000 megawatts -- it was 3800 and 3700 and so on -- only once did it show three times that they used over 4000 megawatts, and so I would say where is the dire need? There is this gap of some 1400 megawatts that we have in reserve capacity over

peak load. Only once during that entire time, it was July 6, 1999, did LIPA use 4500 megawatts. Now, you tell me what the agenda should be in terms of new policy. Should we be building new power plants? Should we be building a cable under the Sound, two cables under the Sound, each providing 660 megawatts? Or should we be saying what can we do to reduce that one hot humid day of summer when, for two hours, we need extra demand -- extra demand needs? That means, if you look at the obverse, it means 364 days and 22 hours, there is no emergency.

Now why would anybody plan energy policy around two hours in the course of a full year. And maybe two days, three days at the very best. So I submit to you that we could remedy the energy problem if we did energy efficiency and conservation in a different way. I must tell you that the LIPA plan to give people a \$75 rebate for an air conditioning unit is so far off the wall that it turns out that very few people have accepted that \$75 and bought a more energy efficient air conditioner. I would submit that the refrigerator is the most critical household user energy, electrical energy. As a matter of fact, it counts for 40% of the typical householder's use. There are new refrigerators on the market that use fewer than 500 kilowatt hours on an annual basis, compared to people's 10 and 15 year old units that use a thousand to 1500 kilowatt hours on an annual basis.

Just think of what it would mean to have a \$400 rebate on a new refrigerator and how that would bring down the electrical usage and how it would cut pollution and how it would prevent us from sending all of our money out the door in energy waist to build new power plants and to build cables under the Sound. So I'll leave you with the material, which Fred Pollert gave to me and a copy of the financial data provided by the Water Authority, which I'll submit at the conclusion of my remarks, from Larry {Coulick} of the Water Authority. And I'd like to talk briefly about the IDAs.

CHAIRMAN COOPER:

Peter, if you could be very brief because we have a number of speakers here.

MR. QUINN:

Okay. I appreciate that, but I got cut off yesterday at the Finance Committee Meeting as well. It turns out that the Suffolk County

Industrial Development Agency has proposed another arrangement to give a company, {ARCO} Products Inc., some -- a number of perks, including construction costs, energy -- pardon me -- tax, sales tax eliminations, mortgage transfer tax eliminations, a ten year tax abatement on property. And when one adds up those numbers, it turns out that it's probably in the neighborhood of three to \$500,000.

It just seems to me that a county that just enacted a increase in the sales tax of a quarter percent because you have a revenue shortfall and is wrestling internally with what you should do, how to match your budget and you're thinking of eliminating various items here and eliminating various items there in order to have your budget balanced, there ought to be, in my view, a moratorium until the fall, until you've gotten your budget and say, IDA, we can't do this one, we shouldn't do this one and we shouldn't do any others before October, when you adopt your budget.

Then I think we need to review what has happened in the past with some of those companies that have received them. The whole idea behind an

IDA is economic development conditioned on the ground that this is created to maintain jobs by the company. Because that's supposed to be a benefit of the County. Well, it turns out that a company like Computer Associates that received that economic development benefit years ago has just announced a layoff of 2500 workers. How is that a benefit any longer? It seems to be that the Economic Development -- Committee here ought to be able to say by statute, by resolution that, if a company doesn't comply with those conditions, you ought to be able to eliminate that benefit. Similarly, {Olsten} got involved with Oxford Health Care, and Oxford Health Care decided to flee the County, but not until after the federal government got after them and sued them and fined them \$51 million for ripping off the -- its customers.

So I would submit to you that there needs to be a review of what IDA is doing. What companies still keep those same employees? Are they full-time employees? Do they receive benefits? And if all of those things are not in place, then it seems to me that we might even think as the author of the Candy Store wrote in criticism about IDAs and Economic Development Government Groups, that perhaps they ought to be eliminated entirely. Thank you very much.

LEG. FISHER:

Thank you, Peter.

LEG. COOPER:

Next speaker. I'd like to call up Daria Woltmann.

MS. WOLTMANN:

Good afternoon, Mr. Cooper.

CHAIRMAN COOPER:

Good afternoon.

MS. WOLTMANN:

There are far more educated people in this room who could give you statistics and numbers and facts and figures pertaining to the proposed power plant that is being proposed by PP&L on Townline Road.

I'm here as a mother who was drawn into to this way back in June of last year. I have spent months amassing information pertaining to the possibility of this siting. I am very aware of the Legislature's limited ability to say, "nay, or yea" to this siting. However, at an earlier special meeting that was held by yourself, Mr. Cooper, and attended by Mr. Crecca, -- I don't remember the exact date -- where there was finally a dialog between Mr. Potter and Townline President, Allan Leon. While that entire meeting I found to be extremely interesting, there was one specific in that meeting that frightened me. And I felt that I needed to bring it to the forefront yet again.

First, let me say I am very offended by the fact that PP&L has now chosen to call itself Kings Park Energy. I know why they did it, and I would hope that the people that are able to make a decision regarding this siting would also know that the reason they're trying to distance themselves from that name is because their track record is horrendous in their own state, not only in their own state, but in other states as well. But a duck is a duck is a duck. I don't care what you call it, I don't care how you color it, it's not Kings Park Energy. It is a private corporation coming here for profit only. And their tactics are known in the industry as being underhanded.

They may deny it. I'm sure that's probably going to get me in trouble, but that's okay too. The reason I'm here today is for a specific reason. Mr. Potter, at the last meeting, had a conversation going on between he and Mr. Leon. And Mr. Potter said, after Mr. Leon reportedly said something about the siting is not right, and we have a letter from the DEC saying that they had not take a position, Mr. Potter leaned into the microphone and said, "The DEC said the site is fine." Well, you and I both know that the Suffolk County Legislature has nothing to do with the siting of this plant, as far as being able to approve it or deny it, but the DEC will be part of the siting board that does make that decision.

And in my opinion, if Mr. Potter has an official or unofficial "yea" from somebody at the DEC, well before this application has been filed -- as you know, it's only at the preliminary scoping statement stage -- that to me says that this process is tainted. That to me says that the level of the playing field is not level. That to me says that in any way, shape or form, if our local government has the ability to step in, they had better do that. And like I said, there are far more educated people who will be able to give you facts and figures. But my understanding, and correct me if I'm wrong, is that the only prayer we have on the local level is to uphold our Article 7 Law. And I am imploring this Legislature, I am imploring the Town Board, I am imploring any local politician to stand up and protect the constituents who have supported all of you for all of these years. As a mom, as a grandmother, as a community resident for 16 years, if we can't play fair, what do we have? We need the Legislature to do whatever they can do to impress upon PPL and its wonderful media spinners that we will not allow them not to play fair. And I think that that very small slip of the tongue by Mr. Potter needs to be investigated to its fullest. And I thank you for your time.

CHAIRMAN COOPER:
Thank you.

APPLAUSE

CHAIRMAN COOPER:
Next speaker is Mark Serotoff from the Townline Association.

MR. SEROTTOFF:
Good afternoon ladies and gentlemen, the Sense Resolution proposed by Legislator Binder regarding Kings Park Energy's attempt to seek a waiver for Article 7 is an extremely significant and important issue. Article 7 of the Suffolk County Sanitary Code was instituted over 50 years ago to protect our aquifer, our sole source of drinking water. It prohibits storage of over several hundred thousand -- several hundred gallons of hazardous materials in certain deep recharge zones. Kings Park Energy proposes storing 300,000 gallons of fuel oil, and that would be increased a million gallons or more when the plant is increased to 600 megawatts. And this is prohibited by Article 7 because the site is over a deep recharge zone.

An increase of oil would do serious and lasting harm to our sole source of drinking water, the aquifer. They are attempting to get an exception from a Suffolk County Health Department for Article 7. In addition, the precedent would be set to allow other waivers, potentially damaging the County's supply of water. So if one plant gets the approval, what's to stop the other plants from getting an approval? I have several documents -- I'm not going to read them all

-- from groups, important groups, governmental groups, supporting Article 7 and recognizing the fact that Kings Park Energy is in violation of the law that was made 15 years ago by our Health Department to protect our sole source of drinking water; Town of Smithtown, document dated February 7, 2001, "the requirement of the proposed facility to have a site bulk storage of petroleum distillate as a backup fuel is incompatible with the deep recharge nature of the area. The creation of proposed facility would give rise to a potential for groundwater contamination associated with the risk of accidental release from the required storage facilities, as well as deliveries to said facilities."

Fuel trucks leak, fuel trucks have accidents, there are mechanical failures, couplings fail, connections fail, gaskets fail, pipes crack, the best intentions, the best designs of engineers can break. The space shuttle blew up, and how many engineers worked on that? Finally, they say, "selection of an appropriate site outside of the deep recharge area is warranted." Today, Mr. Vecchio called me -- faxed a document and asked me to read it in his place. "The Smithtown government has historically been sensitive to the environment and the need to protect it. In over 23 years as Town Supervisor, we have taken numerous steps to ensure a safe and healthy building infrastructure to reduce pollution, instituting programs to monitor environmental quality and strictly enforcing local environmental protection codes. Kings Park Energy of the parent company, Pennsylvania Power and Light, is proposing a 300 megawatt generating facility expandable to 600 megawatts in Kings Park, Town of Smithtown, and storage of over 300,000 gallons of hazardous material in the deep recharge zone. Such storage is prohibited by Suffolk County Sanitary Code, Article 7. This law was instituted to protect our sole source of drinking water. I feel it is imperative that this County Code be

upheld without exception. The best engineered systems can fail, and we saw this in the space shuttle, 747 fuel tanks and the Northport -- oil tanker that exploded off of Northport 15 years ago. We owe ourselves and our children a home with as few risks as possible. Now and in the future, storage of hundreds of thousands of gallons of hazardous materials, overall water supply is unacceptable." In a document dated February 7, the Suffolk County Health department wrote a response to the preliminary scoping statement of the power company, and they acknowledged the proposed project is deep within the recharge area and subject to Article 7 restrictions. And as required by the Sanitary Code, Kings Park Energy must apply for all applicable permits, but then they go into some deficiencies of Kings Park Energy, and this says a volume.

CHAIRMAN COOPER:

If you could just try to wrap up.

MR. SEROTOFF:

What's that?

CHAIRMAN COOPER:

If you could try to wrap up a little bit, because we're --

MR. SEROTOFF:

Okay. Suffolk County Health Department is against it, Group for the South Fork; (Jody Grimrad) wrote a statement against overturning Article 7; Citizens Campaign for the Environment, (Sara Meyland) wrote a statement against overrunning Article 7; Bill Steibel of the Sierra

Club, similar statement; Long Island Water Conference, founded in 1951; Professional Organization of Water Suppliers; regulatory officials, engineers, attorneys, and contractors associated with the water industry wrote a document emphasizing the support of Article 7 without exception. Pine Barrens Society, Dick Amper wrote a document supporting Article 7; {Scott Cohen} of STAR wrote a document supporting Article 7; Elsa Ford of Brentwood-Bay Shore Breast Cancer Coalition are in support of Article 7. Brookhaven Energy Partnership -- Brookhaven Energy has dropped oil as a requirement for their power plant. They will build -- there are alternatives available. They can run a power plant with an uninterruptable gas supply. It's the choice of PPL. It can be run without oil. This is a document for Brookhaven Energy attesting to that.

Finally, the environment record of PPL is -- is a nightmare. They have several hundred documented PCB spills, tiling spills, lead spills, petroleum spills, super fund clean-up sites, multi hundred thousand dollars fines from the Nuclear Regulatory Commission on their {Susquahana} Nuclear Plant. I submit all of these documents of their environmental transgressions to the committee for review later. But this is a company that, in their own state, has the dirtiest power plants of all the power companies in Pennsylvania, and I submit that for your consideration.

Finally, a very great interest is a document from -- private document -- between an engineering firm and PPL, which proves that they plan to expand this plant to 600 megawatts. And they knew about this in August of 2000, yet in February -- I'm sorry, in December of 2000,

they claimed that they didn't know about the power handling capacity, and they had to change the size of the power plant, which proves that the power company, Kings Park Energy or PPL, are liars. And I wouldn't have them build a driveway for me. With all this in mind, and I submit all of these for the committee's consideration, I strongly urge that Article 7 and the Sense Resolution be upheld and no exceptions be made.

CHAIRMAN COOPER:

Thank you, Mark. And Mark, you may want to leave those papers with the Clerk.

LEG. FISHER:

Good afternoon, Mark. Thank you for coming down. I wanted to ask you some questions about another matter. As you know, the bill that I had introduced several months ago regarding CO2 emissions is also on the table today. And you had testified eloquently during the public hearing for that bill. And I was wondering, if you could, again, share some of your opinions on that because, as you know, I have been working with KeySpan and LIPA for a number of months, and this is why the bill has been alive for such a long time. And I have made several concessions with regards to the limitations on the bill. I was wondering if you could speak to the bill?

MR. SEROTOFF:

Well, the limitation of carbon dioxide -- carbon dioxide is a global warming greenhouse gas. It's not poisonous as such, but it's indicative of output of the other pollutants. If you lower CO2, you're lowering the carcinogens, you're lowering the nitrogen oxides and sulfur oxides. The fact that CO2 is not considered a criteria pollutant, in other words, the government doesn't regulate it, doesn't

let it off the hook. The Massachusetts Governor has instituted statewide controls of CO2. And it's -- I feel it's important that some form of regulation be in place, even though it's not in our bailiwick, that we have some kind of regulatory mechanism of CO2 until something comes along the pipe from the federal government or from the state government.

LEG. FISHER:
Absolutely.

MR. SEROTOFF:
Then we would be preempted. But I also feel that the general population has reached the point where we have enough disease, we have enough asthma, we have enough cancer, we have enough bronchitis. And people, I think, will pay a few more dollars to have cleaner, less health damaging and environment damaging energy. And your bill would help toward that end.

LEG. FISHER:
Thank you.

LEG. CRECCA:
Have you seen the latest version of the bill that was filed on Monday, I guess it was? Was it Monday?

MR. SEROTOFF:
Yeah. That's where some talk was done with KeySpan and LIPA to change some --

LEG. CRECCA:
I guess, yeah.

MR. SEROTOFF:
I saw it, but I didn't see it. I saw it, but I didn't look at it closely. I'm familiar with the older version. It's -- put it this way. I was at the Long Island Association E&E Meeting this morning. KeySpan spokesmen talked about it, specifically a few hours ago. They said they're not happy with it, but they can live with it. Quote unquote.

LEG. FISHER:
They had indicate to me that they would not oppose the bill, and that's why they didn't send anybody today.

MR. SEROTOFF:
Yeah. They wouldn't. They said that they -- "Well, if this is what it is, we can live with it." But they're not happy. But you can't have everything.

CHAIRMAN COOPER:
Thank you, again, Mark.

MR. SEROTOFF:
You're welcome.

MR. {MENDOLLA} :
I would just like to add one more thing. With regards to --

CHAIRMAN COOPER:

Can you state your name for the record, please.

MR. {MENDOLLA} :

John {Mendolla} with Townline Association. Regarding the Article 7 issue, Kings Park Energy has made -- at our last discussion here or addressing the E&E committee -- that they are going to be proposing storage in state of the art tanks. I'd just like to have it noted, if you check with the DEC records in Nassau and Suffolk County, over 90% of the spills don't occur from tanks, they occur from the piping and transfer. That's where we are concerned. And they can come up with all the technology they want and talk about their storage tanks, but in truth, the majority of the spills don't come from the tanks themselves, it's the storage area. And if you have driven by or looked at that legion that's up there -- they've claimed how they're going to improve the area, but in all actuality, that area up there has been abused enough, and this is just another step in the wrong direction. It's time to clean up this general area that is in discussion here where they plan on siting this power plant. And the addition of the power plant -- and add -- the addition -- also, their discussion of displacement, in meeting with Mr. Kessel at LIPA, the displacement theory does not come into effect for at least eight to ten years. So any numbers that they have given in their little presentation two weeks ago, pretty much negated because they won't actually -- in all actuality, won't take place for at least another decade. So the cumulative effect would just be horrendous throughout that region. Thank you.

CHAIRMAN COOPER:

Thank you, John.

APPLAUSE

CHAIRMAN COOPER:

Next speaker is Doctor Nancy Lopes.

MS. LOPES:

Hi. Should I begin speaking?

CHAIRMAN COOPER:

Please.

MS. LOPES:

Okay. I came here initially to speak on behalf of the children in our community. I have four of them myself. And I began my research looking into how these hazards affect children. What I have here is something from an abstract, I just want to start with this from the Conference of Childrens Environmental Health. And I know that Mr. Cooper, you have five children. And Mr. Crecca, since you had to leave early the other day for baby-sitting issues, I summarize that you too have children.

LEG. CRECCA:

Two.

MS. LOPES:

And unfortunately, I'm not aware of the rest, I'm sorry. But what I'd like to say is that children are in a developmental state. Their immune systems, their nervous systems, their respiratory/reproductive systems are always developing. And we need to take extra care as to what we put near them when they are at play and living and learning.

Having said that, I moved onto some other issues on my website there, and I found that what we need to look at is -- I have here something called the total maximum daily load. Is the Legislature aware of that? It's put out by the Clearwater Act, the EPA. Okay. It's called the TMDL, and what it is when industry needs to be built, is that they need to consider the total impact on the water sources. And what they used to do is just consider it from the industrial point of view. Now they've begun to consider it from the total point of view; background, urban runoff, margin of safety. And when you look at what's happening in that area, in Suffolk County in general, there's a major buildup of homes and schools, and that means there's more going into -- it's a -- we use cesspools, so there's more going into our water, our aquifer system. And to even consider putting toxic storage on top of what's already -- just from use of -- I mean, we'll just say what it is, bathrooms and everything else that will be going into our aquifer system. It will go there. And to consider toxic chemicals on top of what's already happening with the growth of Suffolk County is just beyond me.

There's also a push right now on sustainable communities and sustainable energy paths. And I just took this -- I'm going to read this quickly. It's from Doctor {Ram} of the US Department of Energy. And it says, "the production of energy does more environmental damage than any other economic activity. Instead of controlling pollution after it is already generated, we must take a new approach to pollution. One that is familiar to the public health community, but has not been traditional approach in the environmental field. Prevent it from occurring in the first place." Along those lines, there is a major push -- I know Gordian Raacke says it all the time -- on wind energy. And I wasn't too sure if that was viable until I started doing research on that. And I found that just on June 13th of this year, that Governor Pataki issued an Executive Order requiring all agencies of New York State to begin to purchase at least 10% of their electricity from renewable energy sources by 2005, and 20% by 2010. Fossil fuel that wants to be stored at that site, is not renewable energy. Why is it even being considered to run this? This power plant should not even be considered to run on that.

Some more principles of green marketing -- because this really is a big push right now -- this is put out by the Directors of the American -- the Board of Directors of the American Wind and Energy Association. And they just said from an environmental perspective it makes no sense to build a new project, new roads, power lines, etcetera, while an existing project languishes. "If it is possible to maintain or repower the existing project at the same or lower cost, definitions of new are also problematic. When does new become old?" Which leads me to my next point. Why are we in a rush to be first? When you're talking about modern technology, first is the worst place to be. First is what becomes antiquated before it -- it becomes a dinosaur. If you recall 8 Track Tapes, everybody who was first, was very sorry to have them in their cars. Okay. The reason that Japan rose to economic power was because they copied and improved on what America was first to do. And the reason California is having a problem is because they rushed to be first to deregulate. And now we're learning from their mistakes. And my last comment -- I know you're in a rush to have me leave -- my last comment is that CEO, Johnny {Brisann}, from the Edison International, the parent company of Southern California Edison, is quoted as saying, "There is no energy shortage. There is an energy cartel of companies that is manipulating the supply at any given moment in order to manipulate massive market increases and get high profits." We need to keep that in mind, and please, please, please uphold Article 7. Thank you.

CHAIRMAN COOPER:

Thank you, Nancy.

APPLAUSE

CHAIRMAN COOPER:

Next speaker, we have Andrew Lopes. Is Andrew here? And Mr. Lopes, if you can please try to restrict your comments to three minutes, if possible.

MR. LOPES:

I will be brief. Good afternoon. And thanks for hearing me. My concern with this power plant -- the reason why I'm here this afternoon is basically I have four reasons. They're actually all out in the audience

right now, I have four children. And my concern is really based upon the obvious reasons. Of course, of our water supply and the fuel being stored and the air quality. But also, I see PP&L as a multi billion dollar company whose petty cash drawer probably would be a life savings for just about all of us. And what that makes me think of is the potential for impropriety, deception and just conflict of interests. And one of our previous speakers eluded to the fact that the DEC loved the site. And I thought to myself that was kind of peculiar because they shouldn't have any partiality one way or the other. And just a couple of things at our last meeting, which I believe that Mr. Potter insulted my intelligence and possibly yours as well, when you more or less asked him if a site in Shoreham, which had 500 or so acres of land, possibly would be more appropriate than a 20 acre site that they're planning on shoe horning three smoke stacks into the middle of our neighborhood. And he more or less said, "No. The 20 acre site would be more appropriate." And you qualified that by saying, "Well, if money was not in the equation of that purchase." And that insulted my intelligence because I don't think you'd get anywhere near the opposition as well as the other factors that go into this opposition.

The other things that -- so that was the biggest concern. And I'm going to pause for a second because I'm getting a little nervous. The whole idea of PPL adopting this Kings Park Energy name, it kind of connotes windmills on the North Shore of Long Island, and being this homespun, homegrown power company. And I thought how deceptive that was to just make people think that here we have some ambitious entrepreneurs on Long Island looking to start up a power plant. When, in actuality, have PP&L Global, who has as unlimited resources, who is basically out to make a buck. And the last thing, and I'll spare you the rest of my feelings, but Kings Park Energy, which I'll call PP&L Global, said that they'd improve the land. They would make it more appealing, and you'd hardly notice that their power plant was on this 20 acre site. And I thought to myself you have three 100 foot smoke stacks, possibly even more than 100 feet smoke stacks. And I thought how could they possibly make it less noticeable? Did they plan on bringing in 200 foot Redwood Trees from California to landscape around the site? Because to me that would be the only way not to notice three 100 foot plus high smoke stacks.

And just one last thing I'd like to point out. As far as nimbi, the idea of nimbi, not in my backyard. I mean, obviously, no one wants to have a power plant in their backyard. On Father's Day, I was very curious to find out what was in our backyard. And the obvious things are the landfills and the -- the incinerator that's right across the street from that property. But another thing that people don't really realize is

that the Northport Generating Facility, which is three huge smoke stacks that generates 1440 megawatts of power is 4.5 miles away from that site. So when people say nimbi, I say to myself, well, here we have less than five miles away, we're generating over 1400 megawatts of power. We have another 25 megawatts of power right across the street. You have two landfills. I don't think its nimbi, it's maybe in N-a-i-m-b-y, it's not again in my backyard. Because believe me, we have more than our fair share of power, landfills, and incinerators right in our backyard. You have schools in such proximity that I just can't see how you people cannot take a stand with our organization against this power plant because it just seems to me 20 acres within the proximity of so many homes and so many young children -- and that's why I'm here. It's the

children that we're fighting for who are going to be breathing in the toxins from these smoke stacks and who will not have the benefit of 200 foot Redwood Trees landscaping this property. Thank you.

Applause

CHAIRMAN COOPER:

Thank you. Next speaker is Carol Granoff. Good afternoon.

MS. GRANOFF:

Good afternoon. My name is Carol Granoff, and I'm a resident of Commack, in the same house for 37 and a half years. And I'm quite involved with Townline Association because I feel that our community should be saved from on invasion of pollution that should not be here. And it shouldn't be on Long Island in such proximity to homes, schools and nursing homes. I read in today's newspaper, and I don't know if anyone else has, but the New York Times had a small article, "Kentucky moratorium on plant construction. Governor Paul E. Patton has declared a six month moratorium on applications for power plant construction saying he needs time to study whether the state already has more new plants under way than the environment and power grid can safely handle. Governor Patton noticed that applications for 24 plants were pending in his state of Kentucky. Environmental groups said those plants should be included in the moratorium, but Mr. Patton said he was not sure if the state had the authority to stop power plants under construction."

Well, our governor and the State of New York right now has been trying to introduce more power plants to our state, and it won't handle just power for the state, but the Northeast grid. So even if you have a power plant in an inappropriate area, it's not necessarily for the locality, and the locality will suffer the consequence, why the company will be enjoying the profits. And I don't think it's fair for our community, and I hope as Legislators that you can understand our position as Long Islanders. Thank you very much.

CHAIRMAN COOPER:

Thank you Carol. Next speaker is William Steibel from the Sierra Club.

MR. STEIBEL:

Good afternoon, everybody. My intent in coming here was to ask the Legislature, your committee to please, with your Sense Resolution, to reject the overriding of Article 7. But listening to everybody talk, I think you've heard all the excuses -- not the excuses -- all the reasons, all the problems. I don't want to go through them again. So what I'm going to do is I'll give you my written statement, but I'd like to share a couple of thoughts with you rather than read the statement. I think it

might help everybody if you understood the complete picture.

I work for the -- I'm sorry. I represent the Sierra Club, I'm the Chairperson of the Energy Committee for the Atlantic Chapter. As such, I'm concerned with power plants all over New York State, not just Long Island. On the other hand, I have a daughter living in Kings Park. She has two daughters, and I am very much concerned with their health. Anything that happens here hits home to me, as nothing else would. The Article 10 approach to fast tracking approval of power plants, at the

current moment has some 22 proposals in the hopper. These are proposals extending all over New York State. Of them, one of them, of course, is Kings Park Energy. The second one, which just joined the line is the Spagnoli Road Plan for KeySpan. What bothers me in all of this is that we're dealing with not a logical explanation as to why we need these plants, but strictly a business. PP&L has put up plants all over the world, according to Jim Potter, and I suspect he's probably correct. Their interest is to come in here, site a plant in our backyard, wherever the backyard maybe, turn the plant on. And if we can't choose a power on Long Island, sell it somewhere else. They talk of gas fired plants, which is low in pollution, yet the chances are very strong that it will be oil fired plants. Why is that? Because the availability of natural gas is not assured. And even if it were assured, we would wind up with a competitive price problem. If the price of natural gas goes up too much for KPE to win an approval to deliver energy for some problem or other, the PPE will switch over to oil. Oil brings us back to the problem of pollution.

The problem extends into New York City, extends Upstate and every location there is a group of people fighting. Long Island is different in one respect from Upstate. We use groundwater for our drinking water, Upstate they use surface water. If a stored supply of oil and any other toxics happens to occur, if a leak occurs, if your water is on the surface, it's not -- what happens to the leak is it's located away from the water. Long Island, of course, we have a problem. If it leaks, we're in trouble. How do you attack the problem? We sit here and talk to each other, say we object to this, we object to that. All of which is great. How do you get this thing into the hopper? How -- how do we go about fighting it? If you read Article 10 carefully, I think if everybody in this room wanted to contribute \$10, we could build a company and put a proposal in to put a power plant in Erie, Pennsylvania. And who would argue the point? The way it works now is once you put your proposal in, you're entitled to a full hearing. And if the Public Service Commission Siting Board decides that they want to put it in a certain place, that's where it's going to go. Despite all the screaming and the hollering. The Sierra Club got into one aspect, the Attorney General, Elliot Spitzer, decided that he would try his hand at it. He created a ten person round table, composed of environmentalists and the two power authorities, New York and Long Island, and business interests. Sierra Club had one member at the round table. They spent three months trying to find common ground, unsuccessful. Elliot Spitzer has now thrown in the towel. He says there is no way we can satisfy the environmentalists, as well as business interests. What it says to us is we have to find a way of getting through to them. And frankly, I don't know how to do it. We say let's educate everybody, that's fine. The people we're dealing with have been through this all over the world. It's not just PP&L, it's everybody else in the act. Here's a great opportunity to make money. And if it's going to make money, we're going to jump in. And PPL has made a fortune at this. My feeling is, if the State -- if the County Legislature, by its -- whatever political clout it

has, can get through to the Siting Board, such that as a party to the action of anything on Long Island, you can present a great case for approving or disapproving or moving or whatever. I think that's the only chance we have.

The State Legislature created Article 10 some years ago. I don't think

that's going to do much for us. Elliot Spitzer intended to get this consensus of opinion and take it to Governor Pataki in hopes of changing his mind. Folks, I'm with you all the way on this. As I said, I have a daughter that lives right nearby. Sierra club wants to help. We'll join in anything. If necessary, we'll write letters, we'll fight. But the solution to stopping the PSC from approving, let's say the KPE site, that solution escapes me at the moment. I wish I could be more positive, except to say, we're in there with you. Thanks.

CHAIRMAN COOPER:

Bill, thank you. I just want to -- to play off what you just said. That's really -- the problem that you defined is really what the problem is in a nutshell. Unfortunately, decisions about where to site power plants on Long Island are driven primarily by market forces and the desire by energy providers to make a profit. And there's nothing wrong with that per se, but that can't be the only consideration. And unfortunately, on Long Island, we have no long-term energy plan. We have no -- no plan for the siting of power plants, no master plan for the siting of transmission lines. If we had additional transmission lines, that would give us much greater flexibility in where to build power plants. It's like a Catch 22 situation, and there is no easy answer. And it's unfortunate that the Attorney General gave up on trying to reach common ground, but that's just a sign of how difficult this problem is.

But until now, the decision has really been made -- the Siting Board's decision has been driven not, I believe, not by what is in the interest of the public, and certainly not what's in the best interest the local communities, but often what is in the interest of the power providers, the energy providers that want to site the plants. And I think that we need to find some more of a balance there. I don't know how to bring that about. And the dialog that we started between Townline and PPL Global, KPE, I believe was a good first step locally. But we need to take it to the next level, and I'm not sure exactly of how to do that. But anyway, the problem that as you described is exactly what brings us to the core of the issue. And I wanted to thank you for that.

MR. STEIBEL:

Okay. Just one more thing, please. What we're going to do in the Sierra Club is combine our current resolution on this situation with a write up of everything that transpired while we were part of the Attorney General's Consensus Board. We'd like to put that statement out. Unfortunately, most of it deals with the future alternate forms of energy; windmills, solar panels, whatever. Again, we're fighting -- we're fighting a hard rock. Unless we can convince some politician Upstate, it's going to happen. Whether we provide all the reasons in the world or not. And I hate to leave it at that. The only thing I can say is, folks, stop fighting the people at KPE. They're a business, they're not going to listen to us. What we have to do is find a way to get through to the Public Service Commission, to their Siting Board, and this is all over the State, not just Long Island, we have the same situation Upstate. We'll do all we can, and we'll work with anybody around here who wants to work with us. Thanks.

CHAIRMAN COOPER:

Thank you, Bill.

LEG. FISHER:

Mr. Chairman. Bill. Bill, before you leave. I just wanted to make a comment about your remarks. I was very dismayed during our Energy Summit, when Mr. Kessel was sitting where your sitting.

MR. STEIBEL:

I'm sorry. I have trouble hearing.

LEG. FISHER:

Okay. I said I found it very discouraging when Richard Kessel was sitting where you are sitting now at our Energy Summit. And I asked him how he or LIPA plan to address the issue of groundwater protection in Article 7. And he said, "Well, I'll work with the Legislature." It seems that we need to educate Mr. Kessel a little bit about what the issue is here. That it is -- that it's Article 7, that he has to deal with the Health Department, that he has to understand where the sitings can be done. And I was quite surprised that he seemed to be unaware that it wasn't a political issue with the Legislature, but rather we have health code under which we have to work. And I think that would be a wonderful place for you to address and educate someone.

MR. STEIBEL:

Well, I'd be surprised if Richard Kessel was not up on what's going on.

LEG. FISHER:

He didn't seem to be able to answer my question.

MR. STEIBEL:

I'm sorry.

LEG. FISHER:

He didn't answer my question.

MR. STEIBEL:

I didn't hear your question because of my hearing.

LEG. FISHER:

No. I said he didn't answer my question.

MR. STEIBEL:

He didn't. It's a fight, and I think the only suggestion I can offer is let's combine our forces, let's get to more than just repeating the same problem over and over, which we all understand. PPL understands it only too well. And their view of it as Jim Potter said to me is, "We're in business. Our answer is the bottom line. And we've been -- we've done this all over the world." They've made a fortune building power plants all other the country. In Arizona, in Montana, I don't think they're in California yet, but I'm not sure. We don't oppose more power plants. What we want to do is only those that we need, and not only how many we build and their capacity, but how we use it. If it gets to be at the time we need some power from somebody's plant, everybody bids at an auction, I'll sell it to you at a slightly lower price than he will. You get into that picture, people start cutting corners and that's when you got into the oil fire business rather than gas. Okay.

LEG. FISHER:

Thank you, Bill.

CHAIRMAN COOPER:

Thank you, Bill. We do have several other speakers, but I would like to make a motion, if there's no objection from the audience, that we take this resolution out of order and vote on it now.

MR. RAIA:

I did want to make a comment on behalf of Legislator Binder because we did make some changes.

CHAIRMAN COOPER:

Sure. Well, first, is Elsa Ford here? Did you wish to speak?

MS. FORD:

No. I don't have a comment at this time.

CHAIRMAN COOPER:

Okay, Elsa, thank you. Would Andrew Raia like to come up front, please.

MR. RAIA:

Thank you Mr. Chairman, Members of the Committee. Legislator Binder apologizes for not being able to be here personally to discuss sense Number 40, but he sent me in his place. We -- I know you've all just received corrected copy. The corrections were very minor. They were recommended to us by the Citizens Campaign for the Environment. So we had no problem putting them in. Basically, it just explains a little more in detail as to what the intent of Article 7 is. And as which you can see in the third whereas, Article 7, it's stated purpose is to safeguard all the water resources of the County of Suffolk, especially deep water recharge areas and water supply sensitive areas from discharges of toxic and/or hazardous waste materials, etcetera, etcetera. Those are really the -- only the basic changes. It's my understanding from Counsel that this doesn't -- because it's a Sense Resolution, it doesn't require the 7 Day Rule. It has been filed in the Clerk's office, and it is ready for a vote.

I would like to -- a number of people -- speakers have discussed and Legislator Cooper, you have discussed, as well, the need for a master plan. Legislator Binder -- actually, Counsel is in the process of drafting legislation on behalf of Legislator Binder, which would basically mandate the Suffolk County Board of Health to issue a moratorium on any Article 7 waivers until LIPA and/or the PSC supplies Suffolk County with a master plan of all the current power plants in both Nassau and Suffolk County, proposed power plants in Nassau and Suffolk County, in addition to areas that might be proper for a power plant. Included in the legislation will be current distribution and proposed distribution as well. The bottom line is until we know -- it's -- I know you all have this newspaper article from Long Island business news -- we have a number of plants that have been proposed in environmentally sensitive areas, and we need to get a handle on it. And the legislation will be circulated for sponsorship, and I certainly hope all of Members of the Committee will join on. That being said, I thank you for your time.

LEG. HALEY:

Wait a minute, Andy.

CHAIRMAN COOPER:

Thank you, Andy. I believe Legislator --

LEG. HALEY:

Andy, I -- we'll have to do some homework. I've also asked Counsel to create a Memorializing Resolution to require a master plan or blue print to be created -- to be consistent with 10-20 G, the Public Authorities Law, which requires that they establish such a plan, but consider the practical and economic use of conservation, renewable resources and cogeneration for providing services. And it has to include public participation. So maybe we can work together on something like that.

MR. RAIA:

We very much would like that.

LEG. HALEY:

Right. And maybe what we'll do is -- and it's something that the committee can sponsor as a whole. Okay. And thank you.

MR. RAIA:

Thank you very much.

APPLAUSE

SENSE RESOLUTION

SENSE 40-01 (P) Memorializing Resolution requesting Suffolk County Board of Health to reject hazardous material storage facility waiver for PPL, Kings Park, LLC Power Plant. (Binder)

CHAIRMAN COOPER:

There being no further speakers, I'd like to make a motion to take out of order Sense 40.

LEG. CRECCA:

Second.

CHAIRMAN COOPER:

I make to a motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? Resolution is approved. APPROVED (VOTE: 4-0-0-0).

APPLAUSE

We'll next move back to Tabled Resolutions.

TABLED RESOLUTIONS

IR 2286-00 (P) Adopting Local Law to require power plant emissions evaluation. (Fisher)

LEG. FIELDS:

Motion to approve.

CHAIRMAN COOPER:

We have a motion to approve. I second that motion.

LEG. FISHER:

On the motion, Mr. Chair.

CHAIRMAN COOPER:

Please.

LEG. FISHER:

This particular local law has been tabled for a number of months on my request because I have been working very hard with the entities which are involved with this local law; KeySpan and LIPA, in particular. I have made a number of changes, since the inception of this local law back in December because LIPA had indicated that, if there were penalties, those penalties would be passed on to the consumer, hence the consumer would be hit with a rise in there tax -- electric bills. They had also indicated that some of the provisions of the original Bill were not doable for them. So, as I have said, I spent a number of months -- all of you have corrected copies before you. I have also an outline of the corrections that were made there on the front page. We had e-mailed all of the Legislators the most recent copy as soon as we had completed the changes. The title of the Bill has been changed. The title of the Bill has been changed to read that we would -- adopting a local law to limit carbon dioxide emissions from power plants in Suffolk County. May I begin by saying that one of the original criticisms that was made of this law was that we are a county and that this -- we would not have a tremendous effect on global warming. And it's very important for us to keep in mind that global warming is a responsibility of everyone who produces emissions that -- that add to global warming. We are all citizens of the world, and we all have a responsibility. Suffolk County has never been afraid of taking the lead. Two days ago, I was reading a beautiful article in Newsday after the death of Dennis Puleston. It was an article written by Irene {Verag}. Back in 1967, it was in Suffolk County that we banned DDT, to be followed by New York State and then a nation-wide banned -- a ban on DDT. If we know that there is something that we are producing that is harming our environment, we have never been afraid to take a leadership role.

Our power plants produce an inordinate amount of pollution, vis-a-vis these rest of the world. So it's important for us to take a close look at it. The CO2 limitations that I'm suggesting in my local law are certainly doable. Both KeySpan and LIPA had said that they would not oppose the Bill in its present form. They can work within the parameters of this bill. Because of their position, they're not going to come here and support the Bill because my Bill is limiting them; however, it's important to note that if we're going to talk about a master plan, it is important for us to be willing to say that we have a policy. We must say

that we have a policy. We must say that we have restrictions in emissions of power plants. That would be part of the structure that we create in order to have a master plan. We have siting of power plants that could be contingent upon groundwater, the siting with regards to ground water, but we must also have requirements that will lower the number of tons of CO2 that are being emitted into our environment.

If we limit CO2, we also limit NOx and SOx, which is a nitrous oxide and sulfur dioxide. They all are limited together. All of those emissions are dropped, when one is dropped, the other one is. We are not preempted from CO2, our limitations, by federal or state statutes. So we are free to enact this local law. If KeySpan and LIPA are willing to say that

they will not oppose this, I implore the members of this committee to do at least as much as KeySpan and LIPA have been willing to do, which is not to oppose this and to let it leave this committee. The following groups have vocally supported this piece of Legislation: The American Lung Association, The Natural Resources Defense Council, Townline Association, Citizens Advisory Panel, New York League of Conservation Voters, The New York Public Interest Research Group, Elsa Ford, who is here from Breast Cancer, Standing For Truth About Radiation, Scott Cullen, The New York Environmental Advocates, The Environmental Defense, and -- I think I mentioned the League of Conservation Voters. These are environmental groups who see the importance of this local law. I hope that my colleagues do as well. Thank you.

APPLAUSE

LEG. HALEY:
Motion to table.

LEG. CRECCA:
On the motion.

LEG. FISHER:
On the motion. Legislator Haley, if we table this at the point, it would be dead --

LEG. HALEY:
I understand that.

LEG. FISHER:
-- and I'm asking that if you cannot vote to approve, that you at least provide me the courtesy to discharge without recommendation so that the Bill will not die. I have worked for six months on this with KeySpan and LIPA. I have worked very hard to make it a bill that would be workable, and I wouldn't want to see it die in committee when we have indicated to the public who are here that we really care about the environment. I would hope that in that caring for the environment and looking at a master plan, that we will be willing to support is a local law that helps us form this structure of a master plan.

APPLAUSE

LEG. CRECCA:
On the motion. I'm going to second the table motion. The -- if I could

be heard. First of all, I want to commend the sponsor for your work on this. One of the problems I have is that I did just get the changes today -- not the sponsors fault because I know you've been working on it, Vivian --

LEG. FISHER:
Well, actually we sent it to your office last week. It was e-mailed to your office last week, yes.

LEG. CRECCA:
Okay. I apologize. I didn't get that. I looked at the agenda, and -- but it was just filed on Monday, wasn't it? You had the changes done last week, though.

LEG. FISHER:

I had the changes done last week.

LEG. CRECCA:

But I did call LIPA today. And I don't doubt what you're saying. What I'm disturbed about, first of all, is that LIPA has chosen not to be here as well as KeySpan because I have yet to be at a meeting, an Energy & Economic Development Meeting, where they're not here. So it makes me question that they're purposely not here. When I spoke to the Long Island Power Authority at 3 o'clock today, after I got a copy of the bill, they told me unequivocally that they are studying the Bill and that they need more time to look at the changes to the Bill. I don't doubt what you're saying, Vivian, is true, but --

LEG. FISHER:

But they can have until Tuesday, and they can come to the General Meeting on Tuesday. If the bill is tabled now --

LEG. CRECCA:

If I can just finish, I'll be happy --

LEG. FISHER:

I'm sorry.

LEG. CRECCA:

It's okay. I just want to -- I think I said to you earlier, privately, on its face, I think this is -- it looks like a good bill, I think. I am concerned about what is traditionally state and federal regulations, us taking it on, but --

LEG. FISHER:

We're not preempted.

LEG. CRECCA:

But I understand we're not preempted, and I agree with that legal position, and I also agree that we can't necessarily wait around for --

LEG. FISHER:

Exactly.

LEG. CRECCA:

-- the state and federal government to act on this. But I am concerned with what affect this will have on our current power plants, what affect it will have on energy costs for consumers and -- if I can just finish, that's all.

LEG. FISHER:

Well, you realize though, if it's tabled, it will die today. So I'm asking that it be discharged, at least, without recommendation --

LEG. CRECCA:

Between now and Tuesday --

LEG. FISHER:

And LIPA has been studying this now for months.

LEG. CRECCA:

I'm just asking to be able to finish my comments, and I'm more than happy to talk to you.

LEG. FISHER:

Okay. But since they're segmented, I'm trying to respond a piece at a time.

LEG. CRECCA:

Just let me know, should I go on?

LEG. FISHER:

Feel free. It's just -- I've worked on this for six months. If you table it, it will die. And we're representing to the people who are here and the people of Suffolk County that we care about the environment.

CHAIRMAN COOPER:

Just -- Mark, if you can come up. Mark has something to add to this.

LEG. CRECCA:

Go ahead, Mark.

CHAIRMAN COOPER:

Just hear him out.

LEG. CRECCA:

I'm willing to hear anybody, I just -- I would like to be heard too, though. But I guess that doesn't matter.

MR. SEROTOFF:

In answer to your concerns, Legislator Crecca, this morning at the LIA, I heard the two LIPA spokesman quote, unquote, we can live with it. If that helps -- I'm sorry, KeySpan.

LEG. CRECCA:

KeySpan, I didn't get in touch with. I actually, have written down that comment that KeySpan, not happy with it, but they can live with it. I wrote that down because you did say they said that publicly this morning. I'm not sitting here defending LIPA. I think that they're taking a chicken position on this whole thing, and they should be here to answer questions on it or at least to say that they need more time to look at it. So I'm not, in any way, trying to defend LIPA on this. I intend to ask LIPA to be here and speak on this topic and not to avoid the topic. I think that we -- I think CO2 regulation may be a good thing. To the sponsor, you know, one of the speakers, and I forgot her name, said today don't -- they don't want to rush to be first, don't rush to be first. Okay. And you have worked very hard on this, and I think ultimately I'm going to end up --

LEG. FISHER:

We're not first. We're not first.

LEG. CRECCA:

Okay. I apologize for not knowing that either.

LEG. FISHER:

Actually, Governor {Rowland} of Connecticut -- I'll let you finish.

LEG. CRECCA:

That's okay. Go ahead. Go ahead.

LEG. FISHER:

No. I'll let you finish.

LEG. CRECCA:

But, you know -- and I understand you're saying this will die, and I don't know if we can get around that rule or not, but in the same respect too, it can just be reintroduced in its exact same form, and we can have it at the next meeting and move it out. I don't want to -- what I'm saying to you, Vivian, is that I don't want to sit here and move on this with a gun to my head either when I have --

LEG. FISHER:

But it's been in public hearing for six months.

CHAIRMAN COOPER:

Andrew.

LEG. CRECCA:

And there were changes made a week ago. And I've got the Long Island Power Authority, who is supposedly, you know, the authority to some extent on energy in this County and Nassau County, who are telling me that they're studying the Bill, who are -- I'm hearing are saying to you, which bothers me, that they're saying one thing to you, one thing to others. Because I was very clear, and I said that I was told that you guys weren't happy with the bill, but that you were okay with it. They said, no, we are studying it, and we are not prepared to comment on it.

LEG. FISHER:

Because it's the chicken position.

LEG. CRECCA:

Yeah, it is, but --

CHAIRMAN COOPER:

Andrew.

LEG. CRECCA:

-- I want to hear it. I don't want to find out after the fact that tax payers are going to pay higher utility rates. And I'm not going to do this with a gun to my head. So --

LEG. FISHER:

I'm not asking you to approve it. I'm asking that it at least be discharged without recommendation so that it won't die.

LEG. CRECCA:

We're not going to get this resolved --

LEG. FISHER:

We had it in public hearing for six months. For six months, we've had it in public hearings.

MR. SEROTOFF:

Also, may I add that the KeySpan gentlemen were aware of the vote. They mentioned that at the LIA meeting this morning. And I think it could be implied that --

CHAIRMAN COOPER:

No. No. They're aware that it was going to be before the committee today, as was LIPA.

LEG. CRECCA:

And they're not here.

MR. SEROTOFF:

I think that you can imply that if there were an objection, they would be here. And absent objections, they're not here.

CHAIRMAN COOPER:

But if we discharge without recommendation, all it does it permit us to consider this on Tuesday. I'll make sure that a representative from LIPA and a representative from KeySpan be at the Legislature on Tuesday. We can here any objections that they may have, if they do, indeed, have any objections, and then we can cast an educated vote. But I just hate to see the Bill die now and get set back further due to inaction by LIPA and KeySpan.

LEG. CRECCA:

Counsel, is there any -- what happens, does this automatically die if we table it today, or is there a way we can waive that?

MR. SABATINO:

The Bill has to be discharged to the full floor of the Legislature no later than the June 26th meeting. So if it fails in committee today, the only other option would be either a written discharge petition or a motion on the floor of the Legislature on the day of the meeting. But it will definitely die if it doesn't get to the floor on the 26th.

LEG. CRECCA:

And if it was -- in other words, the only other way to do it would be to reintroduce the same exact Bill and then it would go onto the next cycle, correct, if it was put on as a late starter?

MR. SABATINO:

Right. It would have to start from scratch with public hearings, yes.

LEG. FIELDS:

Legislator Crecca, this morning, out of respect to you, we did the same thing. There were some problems with a bill on the dangerous dogs, and we discharged without recommendation so that you would have the opportunity to address it on Tuesday. I would ask that you do the same thing with this bill.

AUDIENCE MEMBER:

Don't kill it.

LEG. CRECCA:

I'm not going to be forced into going forward with this. I seconded the motion to table.

CHAIRMAN COOPER:

Okay. There's a motion to table before the committee.

LEG. FISHER:

On the motion.

CHAIRMAN COOPER:

Legislator Fisher.

LEG. FISHER:

I have come to this committee because my assumption was -- and Legislator Crecca said to me at the beginning of this meeting, I'm becoming more environmental. I have represented that LIPA and KeySpan have -- well, LIPA does not have technical staff. LIPA is the entity that provides the

energy, but the technical work is done by KeySpan. KeySpan engineers have worked with me countless hours over these six months. I have only asked my colleagues to look at the legislation that I have been working on for six months. I have read volumes, I have sat with physicists in my office for 6 months. We have apprised you of every change as that change has occurred.

I have come before you, I have waited now for almost two hours at this meeting so that you would do me the courtesy of not letting this Bill die on which I have worked many hours a week, every week for six months. And I ask you again, for the courtesy and for the intent that you purport to have to look at a policy of plants, plants siting in Suffolk County. Vinny Frigeria has been at my office a couple of times a week, almost every week, discussing this. He has represented to me, he has -- I'm not forcing anyone. This has been before this Legislature for six months. It was in public hearing for five months. You have heard testimony for five months on this. At any time during that period, I would have been happy to give you more information. The information was coming before you every month at our Legislative Meetings. This is not a surprise. The changes that have been made to this resolution have not made it more restrictive. The changes that I made and had e-mailed to you last week, made it less restrictive. Therefore, giving you the ability to support it, making it much easier for you to be able to support it.

If KeySpan was willing to come on board and not come to this meeting to oppose it, they felt that they're not coming to this meeting would be an indication to you that there was not opposition. They said that because of their public position as an energy generator, supporting a bill that limits their ability to make their own decisions, vis-a-vis, emission standards, would be in conflict with their position as energy generators. So they did not come, and they didn't take the high road, they took an evasive maneuver by saying that they had to further study this.

I implore you not to let this Bill die. I have worked very hard on this because it's about good government, because it's about leading by example, because it's about taking a look at something that's a global issue, saying we accept our responsibility as citizen of the world. We take a look at Massachusetts, who has -- which has enacted plant emissions policies. Governor {Rowland} of Connecticut is studying the Bill that was passed by his Legislature, which is also restricting emissions of -- from power plants. There is an Oregon Trust, Climate Control Trust, which also limits CO2 emissions. This is a movement, ladies and gentlemen, that's occurring throughout our country. It's a grass roots movement, which indicates that there is a real concern about this problem.

On a personal level, I have a child who is an asthmatic. My child is part of a very large group of children throughout this country that is growing because of the emission that we have going into our environment. This is a reality, and this is an opportunity for you to stand up to the bat, and say, I care about our environment. And if KeySpan and LIPA really think this is a problem, and it's really going to cause a hardship to the rate payers of Long Island, believe me, they would be here. They are not, and their absence speaks volumes. Listen to their absence, and listen to my pleas, and do not let this die in committee. Shame on us if this dies in committee.

APPLAUSE

CHAIRMAN COOPER:

Okay. There's a motion to table, and a second. All those in favor?
Opposed?

LEG. FIELDS:

Opposed.

CHAIRMAN COOPER:

I'm opposed.

LEG. FIELDS:

Motion to approve.

CHAIRMAN COOPER:

Second. All those in favor?

LEG. FIELDS:

Motion to discharge without recommendation.

LEG. CRECCA:

I just -- on that motion. I just want to tell the sponsor that between

now and Tuesday, I will speak again to LIPA and to KeySpan, and I will consider charging -- signing a discharge position depending on my conversation with them. But the indications they gave to me prior to this were -- that is LIPA and KeySpan -- is that they believe there were problems -- this is before the changes -- there were problems with the bill, that it could lead to rate increases and closing down of plants and problems. So -- but I will give you -- I will tell you that I will reach out to those people this afternoon and tomorrow.

CHAIRMAN COOPER:

We have a motion to discharge without recommendation. I second that motion. All the those in favor? Opposed?

LEG. CRECCA:

Abstain.

LEG. HALEY:

Abstain.

CHAIRMAN COOPER:

Okay. Call the vote.

MR. SABATINO:

For the record, the Bill is defeated 2-0-2. The bill is defeated for the record. FAILED (VOTE: 2-0-2-0)

CHAIRMAN COOPER:

Okay. Moving onto Tabled Resolution IR 2321 --

LEG. FISHER:

Thank you, Mr. Chairman, for your time.

IR 2321-00 (P) Adopting Phoenix Financial Recovery Program for Long Island. (Binder)

LEG. HALEY:

Motion to table.

LEG. CRECCA:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? Resolution is tabled. TABLED

(VOTE: 4-0-0-0)

INTRODUCTORY RESOLUTIONS

IR 1498-01 (P) Directing Suffolk County Community College and Department of Public Works to use New York Power Authority Energy Conservation Program. (Caracciolo)

CHAIRMAN COOPER:

Is there a motion?

LEG. HALEY:

Motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN COOPER:

Can I have an explanation on this, please?

MR. SABATINO:

This resolution would direct the college to work with Public Works and the State Power Authority to get what they call an energy audit for improvements at those facilities.

CHAIRMAN COOPER:

Thank you. All those in favor? Opposed? Resolution is approved.

APPROVED (VOTE: 4-0-0-0)

IR 1503-01 (P) Directing the County Comptroller to conduct an audit of the Long Island Convention and Visitors Bureau. (Foley)

CHAIRMAN COOPER:

I make a motion to approve.

LEG. CRECCA:

Motion to table subject to call. This is before the Consumer Affairs Committee. Are we prime or is Consumer Affairs prime?

LEG. HALEY:

We're prime.

MR. SABATINO:

This is prime. It's an economic development issue.

LEG. CRECCA:

My understanding is just -- the reason for my motion is, is that my understanding this is already being done -- as a matter of fact, I think Legislator Fields was there also -- by request, and this audit is already being conducted --

CHAIRMAN COOPER:

That's correct.

LEG. CRECCA:

-- I understand, by the Comptroller at the direction of -- I don't know if it was Legislator Alden or Alden and Foley or what the case be, but --

CHAIRMAN COOPER:

But my office did speak with Mike Hollander today, and he says he has no problem with this resolution being approved.

LEG. HALEY:

Second the motion. If you're going to table subject to call, I'm not going to do second that.

LEG. CRECCA:

I'll -- just my understanding is different. Legislator Fields, you -- Consumer Affairs, wasn't that -- do you remember that?

LEG. FIELDS:

That they were going to conduct an audit?

LEG. CRECCA:

That it was already being done. Isn't that what we --

LEG. FIELDS:

Since there's a question, why don't we just approve this?

MR. SABATINO:

If I can just make two quick points. I was at the committee. There was observation made that the Audit and Control was going to start to look at the project. But this resolution is a little bit different. Number one, it puts a six month deadline so that there's an actual deadline to get the audit. But number two, what it does is it takes all of the issues that were raised in the Budget Review Report and asks the Comptroller to look at those specific issues. So the Comptroller may be doing something else, but what Budget Review outlined in its report there was some Legislatures -- just, you know, like five or six specific items. So the resolution conforms to that and asks for those things to be looked at.

LEG. HALEY:

Mr. Chair. Legislator Fields, I missed what you said. Did you get an indication that that work was being done already?

LEG. FIELDS:

What Paul just said was what happened.

LEG. FIELDS:

What you understand. Okay.

LEG. FIELDS:

And I think that this is something that we could approve and we would make sure that it is completed, and we would not have any questions.

LEG. HALEY:

So that reiterate, we're just adding a couple additional requirements, not only that, but plus a time line requirement. Yeah, I tend to agree with that.

LEG. CRECCA:

I misunderstood probably, so I'll withdraw my motion to table.

CHAIRMAN COOPER:

I'll make a motion to approve 1503, is there a second?

LEG. FIELDS:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? 1503 is approved. APPROVED (VOTE:4-0-0-0)

IR 1506-01 Establishing reporting requirement for the Long Island Convention and Visitors Bureau. (Alden)

CHAIRMAN COOPER:

Making a motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? 1506 is approved. APPROVED (VOTE:4-0-0-0)

IR 1521-01 (P) Directing the Legislative Office of Budget Review to conduct an economic analysis of the benefit to Suffolk County of its Atlantic Ocean Beaches. (Carpenter)

CHAIRMAN COOPER:

I'll make a motion to approve.

LEG. CRECCA:

I'll second for the purpose of discussion. I have a question on it to Counsel. Is there a financial impact statement with your copy?

MR. SABATINO:

It's not attached to my copy. That means one or two things. Either it hasn't yet been issued or it's been issued and my secretary didn't get a chance to attach it. I don't know which category it falls into.

LEG. CRECCA:

I'll move this forward, but I do want to see one before Tuesday -- just put that on the record -- because that might result me changing my position on it. That's the only -- just for the record.

LEG. HALEY:

Counsel -- may I?

LEG. CRECCA:

Yeah, please.

LEG. HALEY:

Counsel, I'm not sure what an economic analysis is going to do here?

MR. SABATINO:

Well --

LEG. HALEY:

Obviously, there is one.

MR. SABATINO:

Well, the way it's worded -- the way it was requested, I should say, and then worded was to come up with a dollar value on what the recreational

benefit is of beaches to Suffolk County residents on the South Shore.

LEG. HALEY:

How is that -- what are we going to do with that information once we have that?

MR. SABATINO:

I'm not, you know, I'm not certain. I think it goes to the issue perhaps

of Fire Island and, you know, the reconstruction --

LEG. FIELDS:

I think that the Army Core Engineers and the Fire Island Interim Project have addressed these issues adnauseam. I would make a motion to table this.

CHAIRMAN COOPER:

Is there a second? I'll second that motion. All those in favor?

Opposed? Resolution is tabled. TABLED (VOTE: 4-0-0-0)

LEG. HALEY:

I'm sorry. You understand what I'm saying, right, Legislator Fields? It just -- we're sending these guys out to do more work and --

LEG. FIELDS:

For what?

LEG. CRECCA:

I have questions on the bill too. It's not -- we should probably get the sponsor here and get some more questions answered before we move it out of committee.

IR 1531-01 (P) To establish Eco-Tourism Task Force to evaluate the potential of an ecologically-based tourism industry on Long Island. (Tonna)

LEG. CRECCA:

Motion to approve.

MS. FAHEY:

Can I just comment on that?

CHAIRMAN COOPER:

If you can state your name for the record, please.

MS. FAHEY:

Caroline Fahey with the Department of Economic Development. Just in reviewing the legislation, we found that our department is being directed to offer clerical support and supply account support for this task force. We are very tight on clerical support. We have two clerical that handle over 200 plus contracts, handle our budgeting, handle our reception area, do all our member item omnibus contracts and such. That's one aspect. We're being asked to offer clerical support on this project, and the other aspect is, we're not even on the committee. Not that we're asking to be on the committee, but we're being asked to offer support to a --

LEG. CRECCA:

Well, I think in looking at the legislation though, while you're not on the committee, I would assume that -- and maybe I'm making an assumption that I shouldn't be -- but that they expect that Economic Development

will be at the committee, and that's why they're saying it should provide clerical support. You know, I've sat on a number of task forces over the last year, and, you know, often that's the case, where the department that would actually be doing the work would be there as a consultant to the group. I'm not arguing with you, I'm just making a comment.

MS. FAHEY:

It's just making a point that we are very tight on clerical staff. We have two clerical staff in our whole department, and we're very tight. In order to, you know, lose one --

LEG. HALEY:

May I?

CHAIRMAN COOPER:

I make a motion to table so we can have these questions --

LEG. FIELDS:

I would second that motion.

LEG. HALEY:

The quick question I have is do you have available positions?

MS. FAHEY:

No.

LEG. HALEY:

Do you have vacant positions.

MS. FAHEY:

No.

LEG. HALEY:

That's a big difference.

MS. FAHEY:

We have one vacant position, but it's not clerical.

LEG. HALEY:

Thank you.

CHAIRMAN COOPER:

Thank you. We have a motion to table and a second. All those in favor? Opposed? 1531 is tabled. TABLED (VOTE: 4-0-0-0)

IR 1580-01 (P) Directing Suffolk County department of Public Works to obtain NYPA energy audit for implementation of County Energy Conservation Program. (Tonna)

CHAIRMAN COOPER:

Motion to approve. I'll second. All those in favor? Opposed? Resolution is approved. APPROVED (VOTE: 4-0-0-0)

Moving on to the Sense Resolutions.

SENSE RESOLUTIONS

Sense 44-01 (P) Memorializing Resolution requesting State of New York to grant authority to Suffolk County to repeal the Suffolk County portion of

the Sales and Compensating Use Tax on hybrid electric vehicles. (Tonna)

CHAIRMAN COOPER:

I make a motion to approve.

LEG. CRECCA:

Second.

LEG. HALEY:

Do we have any idea of how much that costs?

CHAIRMAN COOPER:

I think it's a negligible amount.

LEG. HALEY:

Mr. Chairman, may I? I'm just -- I know it's sounds simple, but let's think about this a little bit. We're repealing sales tax on hybrid electric vehicles. I mean, we should have, at least, some sort of a sense of what the cost might be -- the fiscal impact is. You have any idea, BRO?

MR. DOBKOWSKI:

Yeah, I do.

LEG. HALEY:

You do? Now, that -- you know how many hybrid vehicles we're going to have in Suffolk County? BRO did something. Oh, it's not attached to this. I think we should just table this until we have that. You want to pass over it? Get it to us right away.

SENSE 46-01 (P) Memorializing Resolution requesting New York State Department of Transportation to expedite development of construction of Long Island Expressway Visitors Information Center.

LEG. CRECCA:

Motion to approve.

CHAIRMAN COOPER:

I'll second. All those in favor? Opposed? Sense 46 is approved.

APPROVED (VOTE: 4-0-0-0)

Wait a little while for Jim to get back.

LEG. HALEY:

So Mr. Chair. Mr. Chairman.

CHAIRMAN COOPER:

Yes.

LEG. HALEY:

Reference Sense 44, I see that the financial cost in timing over five years is approximately \$355,000. Item 6.

LEG. CRECCA:

Motion to table.

CHAIRMAN COOPER:

Is there a second?

LEG. FIELDS:

I'm second.

CHAIRMAN COOPER:

All those in favor? Opposed? Resolution is tabled.

TABLED (VOTE: 4-0-0-0)

That's all the business. Thank you very much. Have a good evening.

(*THE MEETING WAS ADJOURNED AT 4:35 P.M.*)

{ } denotes being spelled phonetically